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EPA ORDERS ASBESTOS REMOVAL AT BEECH- NUT SITE

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By JOSHUA THOMAS

For The Recorder

CANAJOHARIE — The Environmental Protection Agency filed an administrative order Friday against Beech-Nut Nutrition Company and B&B Recycling, LLC, ordering them to remove asbestos-contaminated material from the 26.9-acre former Beech-Nut facility in downtown Canajoharie.

As a temporary solution to prevent asbestos from becoming an environmental hazard, the EPA began sealing several contaminated exterior areas Tuesday.

EPA On-Scene Coordinator/Enforcement Officer Keith Glenn said after the state Department of Environmental Conservation requested the EPA test samples from the former Beech-Nut site

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for environmental threats, asbestos was revealed in several exterior sources.

Glenn said the piles of masonry block debris left along Incinerator Road by demolition company B&B Recycling, LLC, following the removal of several warehouses are covered in a white coating that tested positive for asbestos, which was also “friable in nature,” friable referring to “the ease with which the material crumbles.”

The EPA does not want the friable asbestos exposed to the environment, because weathering, according to Glenn, “is what causes it to break down and create a threat.”

“It becomes an inhalation hazard at that point,” he said.

Canajoharie Mayor Francis Avery said with weathering, the asbestos “can get into the atmosphere or water,” posing a threat to public health and safety.

Asbestos was also found on north exterior walls of the warehousing units on the east side of Canajoharie Creek, facing the New York State Thruway.

Stabilization efforts will continue into next week. The sealant, which bonds to surfaces and prevents asbestos fibers from becoming airborne, eliminating the friability component, is being applied to the exterior warehouse walls this week and to the debris piles next week. The process is largely weather-dependent.

The application of sealant, Avery said, is “a temporary measure until the debris can be removed.”

Glenn said the sealant should last for six months.

The administrative order issued Friday is an attempt by the EPA “to have some or all of the parties legally responsible under the Superfund law,” Glenn said. It is aimed at ensuring hazardous sites are returned to productive use “to take part in the longterm solution,” he said.

Beech-Nut Nutrition Company, the order alleges, retained an environmental consultant to conduct a pre-demolition asbestos survey of the property in 2011. The asbestos, states the order, was in a friable state at that point.

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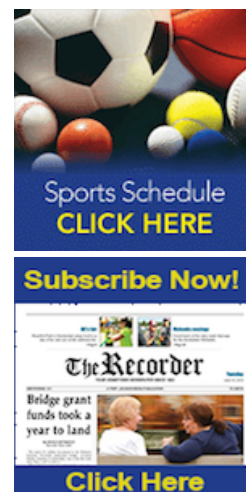
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The order continues, "As part of the efforts to demolish structures in 2012, Pyramid Brokerage Company, on behalf of Beech-Nut, initially approached Great Western Steel, LLC ... to demolish buildings on the property." The demolition never being finalized "due to the lack of funding on the part of great Western Steel."

According to the order, Beech Nut Nutrition Company then executed contracts for the sale of the building to TD Development, LLC, with full knowledge of the presence of asbestos. The purchase agreement demonstrated "that the parties intended to demolish structures and were aware of the need for asbestos abatement."

The order, expressing that the current conditions at the site constitute a threat to public health and the environment, requests that the respondents select a Designated Project Coordinator (DPC) with related technical expertise within five days of the order's issuance.

The respondents include the Beech-Nut Nutrition Company, having owned the facility from 1891 until its move to the town of Florida in 2010, and B&B Recycling, LLC, having failed to address the removal of asbestos-containing debris even after having been legally cited by the village of Canajoharie.

The DPC will oversee all aspects of the work to remedy the order, including demolition and removal of debris and asbestos-contaminated walls, decontamination and/or removal of scrap metal piles, removal of an asbestos-containing roll off container, securing of the site, and provision of necessary air monitoring.

Within 30 days of the order's effective date, the respondents "shall submit to EPA for review and approval a detailed Site Operating Plan for the work," then providing regular progress reports.

The order states that respondents should also inform the EPA of any potential delays, though those will not defer respondent obligations.

Failure to comply with the order may subject the respondents to civil penalties of up to \$53,907 per day, along with significant punitive damages and judicial enforcement.

"We have received the EPA Executive Order and are reviewing it. Once we have completed our review, we will determine the appropriate course of action, if any is required," Beech-Nut



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Nutrition Company representatives stated in response to the order.

County Executive Matthew Ossenfort said that such developments weren't "wholly unexpected."

"We know there's some tricky issues related to contamination on the site, but they're not issues we can't overcome," he said.

He continued of Montgomery County, "We've been proactive with EPA and DEC," along with other stakeholders, "working together as partners, rather than as adversaries. EPA has been a real asset in helping us move forward on the site."

"Everything is moving in the direction it needs to go," Ossenfort said. "We're continuing to move forward with the goal of removing those piles of debris and demolition on the eastern side of the site, along with a likely foreclosure, this summer."

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